

1 Q And after the inspection?

2 A We began the inspection. We were able, at one  
3 point, to see on the computer or monitor or display, a history  
4 of the pages that had gone out. We were able, from that, to  
5 tell that even after we had come into the building, these  
6 pages continued.

7 Q And after you finished inspecting Capitol and, you  
8 know, later on, after you left the building, did you hear  
9 these tones again?

10 A No, we didn't. During the efforts to determine the  
11 cause of the testing and exactly how the testing was  
12 accomplished, the set up for the test was deleted and the  
13 pages stopped. To clarify that somewhat, it was the, the  
14 pager numbers, the repeat function, the chaining functions,  
15 there were three different paging numbers involved. All, all  
16 of those, not just enough to disable the, the page, the  
17 testing, but the entire set up was deleted.

18 Q In other words, what you're saying was deleted was  
19 the numbers of the pagers that were being paged and --

20 A The entire record, if you will.

21 Q -- the connection, oh, and what pages had gone out  
22 or when?

23 A Well, not, not that, this, this history that I  
24 referred to, once we looked at it, was determined later, once  
25 we looked at it, that was automatically gone. We had no

1 control over it. The computer apparently did that.

2 Q In your experience as an FCC engineer, have you  
3 heard this kind of tone testing previously, go, to go on for  
4 so long, which I think you said you'd hear it, you heard it  
5 whenever you turned the radio on for four days?

6 A I have never heard what I would deem to be testing.  
7 I would have to agree with, perhaps with Mr. Raymond's  
8 testified to earlier, that they do test the systems, be it  
9 tone, digital, etc., but a test or two I would not recognize.  
10 It's, it is a page that's transmitted. A few of those I would  
11 not recognize it as a test. This was the same sequence of  
12 pages being transmitted over and over and over again, once a  
13 minute or thereabouts.

14 Q Did it, are these tones, like the type of noise a  
15 touch tone phone makes when you --

16 A No, it goes beep beep.

17 Q So did it get to the point where you recognized them  
18 as the same --

19 A Yes.

20 Q -- several tones in the same --

21 A Yes.

22 Q -- sequence. I realize you worked, you know, up all  
23 night, listening to the channel. Did it appear to you that if  
24 they were on at midnight or whatever and then on the first  
25 thing in the morning, that they may well have been on

1 in-between?

2 A They may well have been. I can't --

3 JUDGE CHACHKIN: That's strictly speculation. He  
4 wouldn't have any way of knowing --

5 MR. WALKER: That's, it's speculation, yes.

6 JUDGE CHACHKIN: -- they're the same --

7 MR. JOYCE: There's been no objection, Your Honor.

8 JUDGE CHACHKIN: Well, I am not going to permit it  
9 in. It's strictly speculation. The witness himself says he  
10 had no way of knowing. If he wasn't monitoring, how does he  
11 know what went on.

12 BY MS. FOELAK:

13 Q Turning to the actual inspection that you started  
14 on, on Thursday, can you review what happened when you came  
15 in, what you observed, who was present when you started the  
16 inspection?

17 A We came in through, through the back door. We, I  
18 believe Mr. Stone was perhaps the first person we encountered,  
19 or certainly very early. We encountered Mr. Stone, we  
20 identified ourselves to him, explained that we were there for  
21 an inspection of the private carrier system. We inquired as  
22 to the purpose of the testing or apparent testing that we had  
23 observed. He replied that the testing was to test the length  
24 frequency. I questioned the validity of that immediately. He  
25 came back, said, well, no, it's, it's to test coverage of the

1 system. And I inquired as to who was out there to monitor, he  
2 could not answer.

3 Q Did you ever get any kind of satisfactory  
4 explanation regarding the automatic testing?

5 A No, I did not. Probably the next thing he, was  
6 introduced us to Mr. Wilson, instructed Mr. Wilson to help us  
7 with this. Mr. Stone left the room, came back shortly,  
8 indicated that he'd been in touch with Mr. Raymond, who would  
9 be there very shortly. We proceeded then to look at the  
10 computer or at the paging terminal, at the set up of it. We,  
11 as I mentioned, saw the history of, of the pages that had gone  
12 out up to the moment.

13 Q Now when you say history, that would be a display of  
14 the numbers of the pagers?

15 A It's a display of the, of the last 100 pages. I'm  
16 sure the phone, telephone number was there or the pager  
17 number, the, there was an indication of the channel, the  
18 particular, the private carrier paging channel was, I recall,  
19 was represented as channel B. Additional information, I'm not  
20 sure. We started into, well, there was some discussion then  
21 about going back perhaps to look at this again. At that  
22 point, we found out that we cannot, once we had looked at it.

23 Q Wait a minute. Go back --

24 A Go back and look at this history again.

25 Q And the reason you had to go, wanted to go back was?

1 A Right now I do not recall.

2 Q Well, why wasn't it, it went off or something?

3 A We had moved on.

4 Q All right. Okay.

5 A We had, we had moved.

6 Q Oh, I see.

7 A Moved off of that screen.

8 Q He showed you the thing and then you were gone on  
9 another topic or something?

10 A But once we had left that screen, then it was  
11 brought out that once we looked at it, that was the end of it.  
12 We could not go back. That particular information would be  
13 deleted or erased. We proceeded to get into the, well, we had  
14 made a determination in talking with Mr. Wilson that these  
15 channel B pages, or the, the test pages, the private carrier  
16 paging pages were, were initiated from the Huntington, from a  
17 Huntington terminal. Indicated to Mr. Wilson that he should  
18 get his coat, we were going to Huntington. And he, he says,  
19 no, we don't need to do that, we can do it via modem. Okay.  
20 So we will, he, he proceeded, he made a phone call supposedly  
21 to the Huntington office, made arrangements for the modem to  
22 be connected, and we were able to look at the data available  
23 at that Huntington terminal.

24 Q So just to get into the real detail, he couldn't  
25 just like dial a number or something and the Huntington

1 material appeared in front of you, he had to speak to somebody  
2 and --

3 A Correct.

4 Q -- they connected something physically or something?

5 A Yes, there, there was something that needed to be  
6 done at Huntington to provide that connection. Along about  
7 this time, Mr. Stone excused himself from the room. So we got  
8 this modem connection, again to access the terminal, to go  
9 through the menu there, and found the test set up, when we  
10 lost that modem connection.

11 Q Meaning the screen went blank or something?

12 A The, I don't recall whether it was blank. We lost  
13 what we were looking at. Mr. Wilson again picked up the  
14 phone, called supposedly Huntington, and he relayed to me that  
15 the secretary or whoever in Huntington advised that she  
16 suddenly remembered that she had a need to get into the  
17 terminal; therefore, we were disconnected. She reconnected  
18 the, the modem, or whatever it was that she had to do. We  
19 were allowed access again to that terminal and there we found  
20 that there was no testing, so that the, the entire test  
21 configuration was empty.

22 Q When you say test configuration, you mean --

23 A That it was --

24 Q -- the pager numbers and --

25 A -- there was no pager numbers, as if testing had

1 never been set up. All of the, all of the variables that  
2 needed to be entered were blank. Mr. Wilson could not explain  
3 it. We went back, at that point, and looked again at our  
4 history of the previous pages, it displays, I believe, the  
5 past 100 pages. We saw no activity in this channel B, or the  
6 private carrier paging, displayed in that, that history.  
7 Mr. Bogert left, went back out to our vehicle, where he  
8 monitored, came back and reported that there was no, no  
9 Capitol activity on the channel, although there was plenty of  
10 opportunity. There was available air time. Mr. Harrison,  
11 well, somewhere during this time, Mr. Raymond had come in and  
12 Mr. Bogert was talking to him. Mr. Harrison came in,  
13 apparently totally unexpected. I began to question  
14 Mr. Harrison about the testing, so forth, and he very readily  
15 showed us how it was accomplished.

16 Q So was he --

17 A He provided the phone numbers and, or the pager  
18 numbers, which, he told us which ones or showed us how it was  
19 repeated, how one number was chained to the other to get the  
20 entire test configuration, because I had no reason to believe  
21 that what he, what he had provided was anything other than  
22 what was initially there.

23 Q So it was Mr. Harrison who suggested reconstructing  
24 the set up?

25 A Mr. Harrison, as far as I am concerned,

1 reconstructed the set up.

2 JUDGE CHACHKIN: Isn't this as you already testified  
3 to on direct, all this testimony? I mean are we starting the  
4 case all over from the beginning, and we're going to call  
5 witness again?

6 MS. FOELAK: No, Your Honor.

7 JUDGE CHACHKIN: I thought this was rebuttal. What  
8 are we rebutting here?

9 MS. FOELAK: I apologize, Your Honor, I thought  
10 there was some confusion about the --

11 JUDGE CHACHKIN: I mean we're having him give his  
12 entire testimony.

13 MS. FOELAK: All right. I'll move on.

14 JUDGE CHACHKIN: The case will never get over at  
15 this rate, if we start all over from the beginning again.  
16 There were certain points that I, I guess, I don't know what  
17 you wanted to rebut. Go ahead.

18 MS. FOELAK: All right, Your Honor.

19 BY MS. FOELAK:

20 Q At the inspection, did you ask Mr. Raymond to do  
21 anything or explain anything concerning the paging terminal?

22 A Yes, we did. I, I do not recall specific questions,  
23 but we basically were getting nowhere on trying to determine  
24 how the testing was accomplished or why it was there.

25 Q You mean Mr. Raymond indicated he didn't know how to



1 do it or something?

2 A The indication by Mr. Raymond at the time that he  
3 didn't, was not aware of it.

4 JUDGE CHACHKIN: Not aware of what?

5 MR. WALKER: Not aware of how this would be  
6 accomplished or --

7 BY MS. FOELAK:

8 Q Okay. Did anyone mention the Greenup County Rescue  
9 Squad in connection with the testing?

10 A No, ma'am, they did not.

11 JUDGE CHACHKIN: Well, did you ask any questions  
12 concerning any particular customers?

13 MR. WALKER: Particular customers? One of the first  
14 questions I asked, Your Honor, was from Mr. Stone, was do you  
15 have any subscribers.

16 JUDGE CHACHKIN: And what did he say?

17 MR. WALKER: He says, yes, Marshall University  
18 (Phonetic) was one of his largest. And again, I don't  
19 remember the specific wording, but that, but since we had not  
20 heard anything that appeared to be anything other than these  
21 tests, so I was very much concerned as to whether he had any  
22 customers or not. So we did ask. We also asked Mr. Raymond  
23 and Mr. Harrison, the both, the two of them for accompanying  
24 us during the remainder of the inspection, and we would ask  
25 that they provide a list of subscribers.

1 JUDGE CHACHKIN: You asked who to provide a list of  
2 subscribers?

3 MR. WALKER: Both of them. I know Mr. Harrison  
4 provided the hand-written list, PRB Exhibit 5, I believe it  
5 was. The computer generated list was provided by someone at  
6 the Charleston office the, the following day.

7 JUDGE CHACHKIN: Was it given to you?

8 MR. WALKER: Yes.

9 JUDGE CHACHKIN: Personally?

10 MR. WALKER: Yes.

11 JUDGE CHACHKIN: Who gave it to you?

12 MR. WALKER: I don't recall.

13 JUDGE CHACHKIN: Was it a male or a female?

14 MR. WALKER: I don't recall. At the time there, we,  
15 we had asked for this on the, I guess August the 15th. It was  
16 to be provided, it, it would be available the next morning to  
17 be picked up at, at the Charleston office.

18 JUDGE CHACHKIN: So that's --

19 MR. WALKER: Who provided it at the time did not  
20 seem significant.

21 MR. HARDMAN: I'm sorry, what date did you say? I  
22 didn't hear.

23 MR. WALKER: I believe August the 15th, 15th I  
24 believe it was.

25 MR. HARDMAN: Thank you.

1 MR. WALKER: The, the Thursday during the visit to  
2 the office.

3 MS. FOELAK: In PRB Exhibit 3 at page 4, you  
4 describe the test set up and mention the three pager numbers  
5 that you were told about. Can you turn to PRB-5, page three,  
6 and associate those pager numbers with any numbers listed  
7 there?

8 MR. HARDMAN: Could I have the reference again?  
9 The, the second one was PRB-5 --

10 MS. FOELAK: Five, page three.

11 MR. HARDMAN: -- Exhibit 3, and what was the first?

12 MS. FOELAK: PRB-3, page 4.

13 MR. HARDMAN: Okay.

14 MR. WALKER: Yes, ma'am, I think we can. The, in  
15 the PRB-3, refer to pager number 1600, I believe that refers  
16 to the same pager as shown in PRB-5, that has phone number  
17 528-1600. The pager numbers 1105 and 1106 would refer also to  
18 phone numbers 528-1105 and 1106. All three of these phone  
19 numbers or pagers are shown in your Exhibit 5 as test pagers.

20 BY MS. FOELAK:

21 Q Okay. Did you say anything or hear Mr. Bogert say  
22 anything to give the Capitol the impression that the morse  
23 code speed, the problem was fixed, was okay?

24 A No, I didn't. What I heard was Mr. Bogert was  
25 somewhat confused, but seemed to think that the switch

1 settings perhaps were in accordance with what he had gained  
2 from the, what he had obtained from the manufacturer.

3 Q But as to the actual output?

4 A But, no, the switch settings did not make the output  
5 right, the output was still wrong.

6 Q Okay. Mr. Raymond testified that Capitol welcomed  
7 you and was very cooperative in providing anything that you  
8 needed. Would you say that was an accurate statement  
9 concerning your inspection?

10 A When it came to trying to determine the test  
11 configuration, no, I would not.

12 JUDGE CHACHKIN: Well, you said that the  
13 reconstruction, you have no question that the reconstruction  
14 was accurate.

15 MR. WALKER: Your Honor, it appears that Mr.  
16 Harrison walked into the, Capitol's office completely unaware  
17 that we were there. We were the first ones to be able to talk  
18 to him. He was very cooperative.

19 JUDGE CHACHKIN: Isn't he part of the organization?

20 MR. WALKER: He is part of the organization, but the  
21 organization had not had an opportunity, apparently, to talk  
22 to him.

23 JUDGE CHACHKIN: Well, that's playing the little spy  
24 games here now and reaching, that's speculating. The fact of  
25 the matter is the, the reconstruction permitted you to observe

1 their test, didn't it?

2 MR. WALKER: It, it would have permitted us to see  
3 how this test was possibly accomplished.

4 JUDGE CHACHKIN: So isn't it possible to assume, in  
5 light of Mr. Harrison's willingness to show you a  
6 reconstruction, that if something was deleted, it was  
7 inadvertently done by, by the secretary, as she said? Isn't  
8 that just as reasonable?

9 MR. WALKER: Mr. Harrison, if I, if I remember  
10 right, indicated that the entire set up should not have been  
11 deleted.

12 JUDGE CHACHKIN: Well, would --

13 MR. WALKER: Only disabled.

14 JUDGE CHACHKIN: Well, doesn't that, possibly, then  
15 that someone made a mistake, that some, that the secretary, it  
16 was done inadvertently, in light of Mr. Harrison's willingness  
17 to provide you, reconstruct it for you right then and there,  
18 without raising any fuss?

19 MR. WALKER: They, well, the way I remember this  
20 thing, there, there would have to be several very deliberate  
21 steps taken to delete all of this information. I, I don't  
22 believe that that would be done accidentally.

23 MS. FOELAK: You testified previously --

24 JUDGE CHACHKIN: How much time elapsed between the  
25 time that this deletion took place and Mr. Harrison

1 reconstructing it for you?

2 MR. WALKER: A few minutes.

3 JUDGE CHACHKIN: A few minutes.

4 MS. FOELAK: All right.

5 JUDGE CHACHKIN: So in no way were you hampered in  
6 your investigation then, apparently, by this deletion, alleged  
7 deletion?

8 MR. WALKER: I see this alleged deletion as an, as  
9 an attempt to hide something, Your Honor.

10 JUDGE CHACHKIN: So apparently --

11 MR. WALKER: And, and it's, I saw it, at the time,  
12 to be an attempt to hide.

13 JUDGE CHACHKIN: But apparently Mr. Harrison, who  
14 works for this, for the company, was willing to show you this  
15 just a few minutes after you claimed they were trying to hide  
16 something from you. It doesn't make sense that, it just  
17 doesn't ring true that they would try, and three minutes later  
18 they would then show you what you claimed they were hiding  
19 from you. I mean I can understand if days went by or even an  
20 hour, but you're saying just within a few minutes.

21 MR. WALKER: Well, a few minutes, I don't  
22 specifically recall, I'd say certainly within a half an hour.

23 JUDGE CHACHKIN: All right.

24 BY MS. FOELAK:

25 Q You had also testified previously concerning

1 attempting to run the test pages at a faster speed. Was there  
2 any problem in implementing that, that would be not  
3 cooperative?

4 A I had asked for a test pager, such that, so that we  
5 could see if they would work, see if it would work at, with  
6 the, at a faster speed. I was told that the reason the slower  
7 speed was used was because they would not work at the faster  
8 speed. So, so again asked for a test pager, we had, arranged  
9 to have the speed increased to about approximately three times  
10 faster than, than what they were using, and standing in  
11 Capitol's office, we dialed that test pager. It did not work.  
12 The reply, the response to that was, and again I don't  
13 remember specific words, but something along the line, well,  
14 see, I told you it wouldn't work. We went back, reprogrammed  
15 the terminal then to go back to the slower speed. Again, it  
16 didn't work. My, the pager that I was given for test did not  
17 work. At that point, I asked for a pager that worked.  
18 Apparently, the pager was defective.

19 (Off the record. Back on the record.)

20 COURT REPORTER: Please continue.

21 BY MS. FOELAK:

22 Q Billy McCallister testified that he first installed  
23 two GE transmitters and then he changed the, the Charleston  
24 site to a Motorola perp (Phonetic) transmitter, and he  
25 testified that the Motorola had digital capability while the

1 GE did not. If the paging terminal ordered digital pages to  
2 go out, would they go out okay from the Charleston  
3 transmitter, the Motorola transmitter?

4 A My understanding is that it would be transmitted  
5 from both transmitters; however, only the transmissions from  
6 the Charleston transmitter would activate the pager.

7 Q So the transmissions from the Huntington transmitter  
8 would not set off pagers?

9 A That's my understanding, yes.

10 Q So they would be useless, a waste of air time?

11 A Correct.

12 Q Okay. Assuming for the state of, for the sake of  
13 argument, that the tones that you heard were testings, in your  
14 opinion, was that excessive testing?

15 A Very much so.

16 Q There was extension, extensive discussion yesterday  
17 into a lot of harmful interference, as defined in Section  
18 90.7. In your opinion, is excessive testing harmful  
19 interference?

20 A If it's unnecessary testing, it would, in my  
21 opinion, obstruct other users from being able to get on, to  
22 take advantage of the channel; therefore, it would be harmful  
23 interference.

24 Q Okay. There was some discussion of intermodulation,  
25 which is a sort of a technical thing, which perhaps could be



1 explained a little more to the benefit of those of us who are  
2 less technical. Anyway, there was speculation that maybe some  
3 of the digital paging that was going on, on 2480, that was  
4 rebroadcast at 152.510, possibly what was really going on was  
5 intermodulation. Can you explain a little bit what  
6 intermodulation is?

7       A     It would be, it, intermodulation is simply the  
8 mixing of two or more signals. In this case, the product of  
9 that mix would, would, would cause interference to users on a  
10 different channel.

11       Q     Mr. Peters testified that it was possible that the  
12 product of the mix would be, you know, pure sound. Is it  
13 probable that what you would hear as the product would be just  
14 one of the channels with no distortion?

15       A     What you typically would hear, if you listened  
16 closely or to the trained ear, you would hear some distortion.  
17 You also would likely hear more than one signal. I believe  
18 Mr. Peters referred to, well, certainly the, the 152.51, the  
19 common carrier channel that's involved. He also referred to,  
20 I think, a broadcast station. It's fairly likely that you  
21 would hear not only the, the page, the common carrier paging,  
22 but you'd also hear the broadcast signal.

23       Q     From your understanding, when you heard the test  
24 sequence late at night, in order to have turned it off, you  
25 know, for the night and possibly start it in the morning,

1 | would somebody have had to go to Huntington and enter some  
2 | commands to turn it off, or to Charleston?

3 |       A     From the impression that we got during the  
4 | inspection, yes, someone would have had to have gone to  
5 | Huntington or that modem connection would have had to remained  
6 | overnight.

7 |       Q     And then you could --

8 |       A     And then someone --

9 |       Q     -- deactivate it --

10 |       A     -- could deactivate it from Charleston. But then  
11 | also anybody with a computer would have access to the  
12 | Huntington terminal.

13 |             MS. FOELAK: That's all I have, Your Honor.

14 |             JUDGE CHACHKIN: I'd like to ask you a question,  
15 | sir. In Mr. Raymond's examination, direct case, he points out  
16 | that he called you a number of times complaining about RAM  
17 | transmitting on top of Capitol, they sent you a video tape.

18 |             MR. WALKER: Yes, sir.

19 |             JUDGE CHACHKIN: And did he, in fact, make these  
20 | calls to you?

21 |             MR. WALKER: He made several calls.

22 |             JUDGE CHACHKIN: Did he, in fact, send you a video  
23 | tape?

24 |             MR. WALKER: He sent a video tape.

25 |             JUDGE CHACHKIN: Did you review the video tape?

1 MR. WALKER: No, Your Honor, I did not. At the  
2 time, it would have been meaningless to me.

3 JUDGE CHACHKIN: Did you, in fact, investigate any  
4 of these complaints?

5 MR. WALKER: He's complaining about something going  
6 on in Charleston and we're in Baltimore. The investigation  
7 was conducted in August of '91.

8 JUDGE CHACHKIN: When were these calls that you  
9 received?

10 MR. WALKER: The first calls that I received from  
11 Capitol or RAM, they both called several times, I believe the  
12 first calls were probably received in March.

13 JUDGE CHACHKIN: Of what year?

14 MR. WALKER: Of '91. Probably from RAM. But,  
15 again, Capitol was there, too. It was, there was not long,  
16 there weren't many calls before it became very obvious that  
17 it's a problem that they need to work out for themselves.

18 JUDGE CHACHKIN: All right. Now after your visit in  
19 August of 1991, did you receive any further complaints from  
20 Capitol about RAM's operation?

21 MR. WALKER: I don't believe so.

22 JUDGE CHACHKIN: You --

23 MR. WALKER: We did, did, however, receive  
24 complaints from RAM about Capitol.

25 JUDGE CHACHKIN: I understand that.

1 MR. WALKER: Okay.

2 JUDGE CHACHKIN: But your recollection is you  
3 received no further complaints from Capitol subsequent to your  
4 visit in August, 1991?

5 MR. WALKER: I, I don't recall any. I could review  
6 my notes and perhaps there's something there.

7 JUDGE CHACHKIN: Well, do you, do you have notes to  
8 review?

9 MR. WALKER: A file folder full or so.

10 JUDGE CHACHKIN: Well, why don't you take a look at  
11 them then.

12 (Asides.)

13 MR. WALKER: Your Honor, I see no reference here at  
14 all to complaints received from Capitol after all this with  
15 '91.

16 JUDGE CHACHKIN: Do you have cross-examination for  
17 this witness?

18 MR. JOYCE: Yes, Your Honor, very briefly.

19 JUDGE CHACHKIN: It better be, because this, a lot  
20 of this was not rebuttal, it was just another attempt to put  
21 in direct evidence which should have been put in initially.

22 MR. JOYCE: My cross has to do with the defense that  
23 Mr. Raymond has gone into, this tone sequence thing. We're  
24 trying to determine, you know, what it was really for.

25 RECROSS EXAMINATION

1 BY MR. JOYCE:

2 Q And, Mr. Walker, I want to try to clarify what  
3 Mr. Harrison told you during that visit as opposed to what Mr.  
4 Stone and Raymond told you. And I think there is some  
5 confusion here, is there not? Well, let me ask the question  
6 --

7 A Concerning the reasons for testing?

8 Q No, no, no, no, no. When Mr. Harrison, Rusty  
9 Harrison, the gentleman that I spoke to last week, walked into  
10 the middle of your investigation, the test set up that he was  
11 talking to you about was this group call test, isn't that  
12 true?

13 A The, there, there was no name assigned to it. It  
14 was the sequence of tones that we had observed.

15 Q Hadn't he handed you a bunch of pagers, I'm trying  
16 to understand what kind of explanation Mr. Harrison gave you  
17 for that sequence of tones.

18 A I don't recall that Mr. Harrison gave any, any  
19 explanation of, of the reasons.

20 Q But that's my confusion, because it seems to me,  
21 from your testimony, on the one hand, you walk in unannounced  
22 to Capitol, you meet the officers and owner of the company,  
23 and you were asking them about this beep beep, beep beep,  
24 isn't that correct?

25 A Yes, sir, that is correct.

1 Q Okay. And I gather that you didn't think they were  
2 giving you a very good explanation as to what that was all  
3 about, is that fair to say?

4 A That's correct.

5 Q Okay. And they told you, first they said it was  
6 testing for a control link, correct?

7 A Yes.

8 Q Now in your experience, have you ever heard somebody  
9 use such a tone sequence for four days in a row to test a  
10 control link?

11 A Sir, I have never identified previously or since  
12 what I would deem to be testing.

13 Q Okay. So that's why when you heard that from  
14 Mr. Stone, immediately you have some suspicions that he's not  
15 being particularly candid with you, I take it?

16 A When he identified this as testing of the link and  
17 immediately upon being challenged, he changes his story, yes,  
18 I would deem that to, to be, to be something wrong with that.

19 Q Okay. Now you put the same question to Mr. Raymond,  
20 what's this tone sequence all about, roughly speaking?

21 A I believe we did.

22 Q Okay. And what was the explanation that he gave  
23 you?

24 A I don't recall that he gave one.

25 Q So he said I don't know or you'll have to ask

1 somebody else?

2 A I, I just don't recall.

3 Q Okay. So now you spoke --

4 JUDGE CHACHKIN: You don't know whether or not he  
5 gave an explanation, is that what you said?

6 MR. WALKER: Correct.

7 MR. JOYCE: Okay. So again, to recreate what  
8 happened, you've spoken to the owner of the company who is  
9 there, this is in Charleston?

10 MR. WALKER: Yes, sir.

11 MR. JOYCE: Okay. And he can't tell you what this  
12 tone sequence is all about. And then you've spoken to, I  
13 guess he's the chief, chief operating officer of the company?  
14 Mr. Raymond, that's his title, or either lieutenant or vice  
15 president? And he didn't he couldn't tell you either, right?

16 MR. HARDMAN: Your Honor?

17 JUDGE CHACHKIN: That's not what he said. He said  
18 he doesn't recall whether he received an explanation or not.

19 MR. JOYCE: Okay.

20 BY MR. JOYCE:

21 Q And then, now, even before Mr. Harrison gets into  
22 the room, I, I take it that you were trying to find out other  
23 information from these gentleman, is that fair to say?

24 A We moved on from why the testing was being conducted  
25 to how was it being accomplished.

1 Q Okay.

2 A And then --

3 Q Now before Mr. Harrison gets in the room, did, did  
4 they answer that to your satisfaction?

5 A No. Until Mr. Harrison arrived, there was no answer  
6 to how it was being accomplished.

7 Q Okay. Then Mr. Harrison comes into the room and we  
8 heard testimony last week that he's not their technician, he's  
9 just kind of a, the manager of the Huntington office, correct?

10 JUDGE CHACHKIN: Where are we going with this?  
11 We're not going to retry the case.

12 MR. JOYCE: Well --

13 JUDGE CHACHKIN: We've tried the case already.

14 MR. JOYCE: -- I know, Your Honor, but --

15 JUDGE CHACHKIN: Well, we're not going to start from  
16 the beginning and go through this again and call back all the  
17 witnesses. That's not what we're going to do here. We'll be  
18 here for a month.

19 MR. JOYCE: All right. You had, just so you  
20 understand why I'm asking these questions --

21 JUDGE CHACHKIN: Well, to point them out, the  
22 witness has testified about his recollection of what happened,  
23 and if you have anymore theories, you'll have to save it for  
24 your finding, I'm sorry. This case has got to come to an end  
25 sometime.



1 MR. JOYCE: All right.

2 JUDGE CHACHKIN: He was called as a rebuttal  
3 witness, but very few questions were rebuttal questions.

4 MR. JOYCE: Is he, did --

5 JUDGE CHACHKIN: What did, what else do you want to  
6 know?

7 MR. JOYCE: On the tone sequence, could they  
8 activate those tones that you were hearing, could they  
9 activate any of the pagers that you were shown, Mr. Walker?  
10 Was there any connection between those tones that --

11 MR. WALKER: I don't recall that, that we were shown  
12 the pagers or that we were told where the pagers were.

13 JUDGE CHACHKIN: Did you make any contemporaneous  
14 notes of this visit?

15 MR. HARDMAN: Your Honor, PRB --

16 JUDGE CHACHKIN: -- contemporaneous notes of the  
17 visit?

18 MR. WALKER: Your Honor, Your Honor?

19 MR. HARDMAN: -- PRB-3 is proffered as the report,  
20 which is roughly contemporaneous.

21 JUDGE CHACHKIN: Well, when was the report prepared?

22 MR. HARDMAN: September 5th is the date, so it would  
23 have been within the two week period of --

24 JUDGE CHACHKIN: Well, I want to know what notes  
25 were taken at the time of the visit.